

House File 2355 - Introduced

HOUSE FILE 2355
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2045)

A BILL FOR

1 An Act establishing a veterans recovery pilot program and fund
2 for the reimbursement of expenses related to providing
3 hyperbaric oxygen treatment to eligible veterans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Commission*" means the commission of veterans affairs
5 established in section 35A.2.

6 2. "*Department*" means the Iowa department of veterans
7 affairs created in section 35A.4.

8 3. "*Health care practitioner*" means a practitioner as
9 defined in section 155A.3.

10 4. "*Hyperbaric oxygen treatment*" means treatment, including
11 diagnostic testing and other related medical treatments, for
12 traumatic brain injury or post-traumatic stress disorder
13 prescribed by a health care practitioner that utilizes, as part
14 of the treatment, any of the following:

15 a. A hyperbaric chamber approved by the United States food
16 and drug administration.

17 b. A hyperbaric oxygen device that is approved by the United
18 States food and drug administration for investigational use
19 under the direction of an institutional review board with a
20 national clinical trial number.

21 5. "*Pilot program*" means the veterans recovery pilot program
22 established under this chapter.

23 6. "*Traumatic brain injury*" means an acquired injury to the
24 brain. "*Traumatic brain injury*" does not mean brain dysfunction
25 caused by congenital or degenerative disorders or birth trauma.

26 7. "*Treatment facility*" means a hospital as defined in
27 section 135B.1, an organized outpatient health facility as
28 defined in section 135.61, or any other facility that is
29 authorized by the department to provide hyperbaric oxygen
30 treatment under this chapter.

31 8. "*Veteran*" means a veteran as defined in section 35.1, a
32 member of the national guard or reserve forces of the United
33 States, and a former member of the national guard or reserve
34 forces of the United States who was discharged under honorable
35 conditions.

1 9. "*Veterans recovery fund*" means the veterans recovery fund
2 created in section 35E.3.

3 Sec. 2. NEW SECTION. 35E.2 **Veterans recovery pilot program**
4 **— establishment — reports — rules.**

5 1. The department shall establish a veterans recovery pilot
6 program, subject to sufficient funds in the veterans recovery
7 fund to operate the pilot program, to provide hyperbaric oxygen
8 treatment and support services to eligible veterans who have
9 been diagnosed with a post-traumatic stress disorder or a
10 traumatic brain injury pursuant to the requirements of this
11 chapter.

12 2. The department shall adopt rules to implement and
13 administer this chapter.

14 3. By October 1 of each odd-numbered year, the department
15 shall submit a biennial report regarding the pilot program
16 that includes an evaluation of the effectiveness of the pilot
17 program and the number of veterans and treatment facilities
18 participating in the pilot program.

19 Sec. 3. NEW SECTION. 35E.3 **Veterans recovery fund.**

20 1. A veterans recovery fund is created in the state treasury
21 under the control of the department.

22 2. The fund shall consist of moneys appropriated for
23 purposes of the pilot program, and any other devise, gift,
24 bequest, donation, federal or other grant, reimbursement of
25 payments made by any responsible third-party payor, repayment,
26 judgment, transfer, or payment intended to be used for the
27 purposes of the fund.

28 3. Moneys in the fund are appropriated to the department
29 and may be expended by the department for any of the following
30 purposes:

31 a. Expenses incurred by the department in administering the
32 pilot program.

33 b. Expenses authorized pursuant to a treatment plan approved
34 pursuant to section 35E.4 for hyperbaric oxygen treatment of a
35 veteran under the pilot program.

1 *c.* Expenses authorized pursuant to a treatment plan approved
2 pursuant to section 35E.4 for any necessary travel and living
3 expenses of a veteran required to travel to obtain hyperbaric
4 oxygen treatment under the pilot program.

5 4. Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys in the fund shall be credited to the fund.
7 Moneys in the fund may be used for cash flow purposes during a
8 fiscal year provided that any moneys so allocated are returned
9 to the fund by the end of that fiscal year.

10 5. For purposes of section 8.33, unencumbered or
11 unobligated moneys in the fund shall not revert but shall
12 remain available for expenditure for the purposes designated
13 until June 30, 2024. Any unencumbered or unobligated moneys
14 remaining in the fund as of June 30, 2024, shall not revert but
15 shall be transferred for deposit in the veterans trust fund
16 created in section 35A.13.

17 Sec. 4. NEW SECTION. 35E.4 **Hyperbaric oxygen treatment —**
18 **treatment plan.**

19 1. A treatment facility seeking reimbursement for providing
20 hyperbaric oxygen treatment to a veteran under the pilot
21 program shall, prior to providing such treatment, submit a
22 proposed treatment plan to the department in a manner as
23 prescribed by the department.

24 2. The proposed treatment plan shall include the following
25 information:

26 *a.* A prescription order for hyperbaric oxygen treatment
27 issued by a health care practitioner.

28 *b.* Information verifying the eligibility of the veteran to
29 receive treatment and that the treatment facility is authorized
30 to provide hyperbaric oxygen treatment.

31 *c.* An estimate of the costs for providing hyperbaric oxygen
32 treatment by the treatment facility.

33 *d.* An estimate of cost for reimbursing any necessary travel
34 and living expenses of the veteran required to travel to obtain
35 the hyperbaric oxygen treatment.

1 e. Any other information required by the department of
2 inspections and appeals.

3 3. Upon receipt of a proposed treatment plan, the department
4 and the commission shall approve or disapprove the treatment
5 plan within a reasonable time as established by rule. The
6 department shall not approve the treatment plan if there
7 is not sufficient money in the veterans recovery fund to
8 reimburse the estimate of costs and expenses provided in the
9 proposed treatment plan. The department shall notify the
10 treatment facility whether the treatment plan was approved or
11 disapproved.

12 4. A treatment facility may, following approval of a
13 proposed treatment plan, submit a modified treatment plan if
14 actual expenses are anticipated to exceed the estimated costs
15 approved in the initial treatment plan. The department and the
16 commission shall approve or disapprove the modified treatment
17 plan, subject to sufficient moneys in the veterans recovery
18 fund for the increased expenses, and shall notify the treatment
19 facility within a reasonable time as established by rule
20 whether the modified treatment plan was approved or disapproved
21 within a reasonable time as established by rule.

22 **Sec. 5. NEW SECTION. 35E.5 Provision of treatment —**
23 **reimbursement of expenses.**

24 1. A treatment facility shall receive reimbursement of
25 expenses incurred in providing hyperbaric oxygen treatment
26 under the pilot program to a veteran if the department and the
27 commission have approved a treatment plan under section 35E.4
28 for the veteran.

29 2. A treatment facility that elects to provide hyperbaric
30 oxygen treatment to a veteran under the pilot program shall
31 provide the treatment without charge to the veteran. A veteran
32 receiving treatment under the pilot program is not liable for
33 the cost of treatment or expenses incurred under the pilot
34 program.

35 3. A treatment facility that elects to provide treatment

1 under the pilot program shall submit to the department regular
2 reports, in the form prescribed by the department, of the
3 veteran's measured health improvements under the treatment
4 plan and whether treatments are continuing or have concluded.
5 If hyperbaric oxygen treatment has concluded, the treatment
6 facility shall indicate the date the treatment concluded.

7 4. A treatment facility providing hyperbaric oxygen
8 treatment under the pilot program may submit a request for
9 reimbursement of expenses incurred by the treatment facility
10 to the department. The department shall approve the request
11 and notify the department to reimburse the expenses from the
12 veterans recovery fund if all of the following criteria are
13 met:

14 a. The hyperbaric oxygen treatment was provided according to
15 the approved treatment plan or modified treatment plan.

16 b. The expenses do not exceed the estimated cost of the
17 hyperbaric oxygen treatment as provided in the approved
18 treatment plan or modified treatment plan.

19 c. The treatment facility demonstrates in the reports
20 submitted to the department as required by subsection 3 that
21 the veteran is making measured health improvements or that
22 continuing treatment is recommended.

23 5. The department shall reimburse a veteran from moneys in
24 the veterans recovery fund for any travel and living expenses
25 incurred by the veteran receiving hyperbaric oxygen treatment
26 under the pilot program if the amount requested does not exceed
27 the estimated cost of travel and living expenses as provided in
28 the approved treatment plan or modified treatment plan.

29 6. After six months from the date specified in the reports
30 submitted to the department from a treatment facility that
31 treatment has concluded, the department shall notify the
32 treatment facility and veteran in writing of the expenses
33 that have been reimbursed and whether the amounts reimbursed
34 are less than the costs authorized to be reimbursed pursuant
35 to an approved treatment plan or modified treatment plan.

1 The written notification shall further notify the treatment
2 facility and the veteran that any requests for reimbursement
3 shall not be authorized if a request for reimbursement is not
4 submitted within ninety days after receiving the notice unless,
5 prior to the ninety days, the treatment facility indicates that
6 treatment has not been completed.

7 Sec. 6. NEW SECTION. 35E.6 Repeal.

8 This chapter is repealed July 1, 2024.

9 Sec. 7. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
10 department of veterans affairs shall submit a notice of
11 intended action to the administrative rules coordinator and
12 the administrative code editor pursuant to section 17A.4,
13 subsection 1, paragraph "a", not later than January 1, 2019,
14 for the adoption of rules to implement and administer chapter
15 35E as enacted in this Act.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill establishes a veterans recovery pilot program,
20 administered by the department of veterans affairs for the
21 reimbursement of expenses related to providing hyperbaric
22 oxygen treatment to eligible veterans.

23 New Code section 35E.1 establishes definitions applicable
24 to the new Code chapter. The bill includes definitions for
25 commission, department, health care practitioner, hyperbaric
26 oxygen treatment, traumatic brain injury, treatment facility,
27 and veteran. Specifically, the bill defines hyperbaric oxygen
28 treatment as treatment, including diagnostic testing and other
29 related medical treatments, for traumatic brain injury or
30 post-traumatic stress disorder prescribed by a health care
31 practitioner that utilizes a United States food and drug
32 administration-approved hyperbaric chamber or hyperbaric oxygen
33 device.

34 New Code section 35E.2 establishes the veterans recovery
35 pilot program, subject to sufficient funds to operate the

1 program, requires the department of veterans affairs to adopt
2 rules to implement and administer the program, and includes
3 a reporting requirement for each department concerning the
4 operation of the pilot program.

5 New Code section 35E.3 creates a veterans recovery fund
6 in the state treasury under the control of the department of
7 veterans affairs. The new Code section provides that moneys in
8 the fund are appropriated to the department of veterans affairs
9 to be expended for expenses incurred in operating the program
10 and for expenses authorized to be reimbursed for hyperbaric
11 oxygen treatment and any related travel and living expenses
12 incurred by the veteran. The new Code section provides that
13 moneys in the fund shall not revert but shall remain available
14 for use until June 30, 2024. Any moneys remaining in the fund
15 as of June 30, 2024, shall be transferred for deposit in the
16 veterans trust fund.

17 New Code section 35E.4 provides for the process for a
18 treating facility to seek reimbursement from the veterans
19 recovery fund for providing hyperbaric oxygen treatment. The
20 bill provides that a treating facility may submit a proposed
21 treatment plan to the department of veterans affairs and
22 the commission of veterans affairs for their approval. The
23 treatment plan shall include the prescription order for the
24 treatment, information verifying the eligibility of the veteran
25 and the treatment facility to provide the treatment, the
26 estimated costs for providing the treatment and for reimbursing
27 the veteran for any associated travel and living expenses, and
28 any other information required by the department of veterans
29 affairs. The new Code section provides that the treatment
30 plan shall not be approved if sufficient moneys to reimburse
31 the estimated costs are not available in the veterans recovery
32 fund. The new Code section also establishes a process for
33 submitting a modified treatment plan if the estimated costs
34 for providing the treatment are anticipated to exceed the cost
35 estimate in the initial treatment plan.

1 New Code section 35E.5 provides for requirements relative
2 to providing hyperbaric oxygen treatment and provides for
3 the manner in which treatment-related expenses are to be
4 reimbursed. The Code section provides that a treatment
5 facility shall not be reimbursed for providing treatment
6 unless a treatment plan has been approved. If a treatment
7 facility elects to provide hyperbaric oxygen treatment under
8 the pilot program, the facility shall provide the treatment
9 without charge to a veteran and shall submit regular reports
10 to the department of veterans affairs concerning the efficacy
11 of the treatment and on whether the treatments have been
12 concluded. The new Code section also provides for a process
13 for a treatment facility and a veteran to receive reimbursement
14 for expenses incurred. The new Code sections require the
15 department of veterans affairs to provide written notification
16 to the treatment facility and veteran after treatment has
17 concluded, which notice shall indicate when any additional
18 requests for reimbursement may be made.

19 Code section 35E.6 provides that the new Code chapter is
20 repealed July 1, 2024.

21 The bill further directs the department of veterans affairs
22 to submit a notice of intended action to the administrative
23 rules coordinator and the administrative code editor not later
24 than January 1, 2019, for the adoption of rules necessary to
25 implement and administer the new Code chapter.